



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Policy on Ownership and Maintenance of New Right-of-Way Fences and Landscaping at Reverse Frontage Lots

MEETING DATE: April 15, 1992

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council discuss the ownership and maintenance of new fences and landscaping located near the street right-of-way on reverse frontage lots and establish a **policy**.

BACKGROUND INFORMATION: The design of new residential subdivisions adjacent to arterial streets often includes the use of **reverse** frontage lots. "Reverse frontage" means the lot **faces** the interior of the subdivision with the rear of the lot on the arterial. A fence is usually constructed at the right-of-way line on the arterial street. Some specific plans require this design (Lower Sacramento Road and South Hutchins Street). **Some** past developments have proposed such fences that have been accepted by the City for ownership and maintenance. Others, mainly those which include landscaping, are under private ownership and maintenance. The attached City map shows existing and proposed reverse frontage fences (Exhibit A).

Many of the new developments proposed under the growth management plans include reverse **frontage** lots. These have a number of advantages to the **developer** and future homeowner. For example, the City's Design Standards require lots on arterials be designed such that exiting vehicles do not back out onto the arterial. To do so requires a larger, more expensive lot. The fence also, if designed to do so, provides some sound reduction, and, of course, privacy from busy street traffic.

The General Plan, in the Urban Design and Cultural Resources element, indicates the City will develop "... a street tree program, with an emphasis on enhancing major arterial streets ...". The right-of-way provided in the proposed development plans does not include room for trees, nor do they propose landscaping. Although the Planning **Commission** would certainly have an interest in the **provision** and design of fences and/or landscaping, the decision on ownership and maintenance should rest with the City Council due to the potential cost and impact on the City budget. In order to expedite the new developments, staff is requesting that **the Council** provide the **Commission**, staff and the development **community** with policy guidance.

costs

The City presently is responsible for roughly 3.2 miles of reverse **frontage** fence with no landscaping except for the trees in tree wells on South Hutchins Street. The designs are based on grape stakes with block pilasters and **returns**. They are **fairly simple** to maintain and remarkably graffiti free, probably due to the

APPROVED

THOMAS A. PETERSON
City Manager

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"Official Paper"

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difficulty of painting on the grape stakes. We probably average five repairs per year at a total cost of roughly \$4,000. Most of the repairs are due to vehicle damage and are often reimbursed from the driver's auto insurance. None of the fences have reached an age where total replacement of the wood has been necessary. Our track record with the South Hutchins Street trees has been less satisfactory. Vandalism has been so frequent we have stopped replacing the trees. Maintaining the irrigation systems is also a significant effort.

The cost of landscaping maintenance depends on the type and age of the planting. Cost of trees alone (in tree wells) would be much less than turf or shrubbery, assuming root damage is minimized with careful tree selection and installation. Presumably, landscaping along fences would be similar to that in medians. Present total contract costs for median maintenance are nearly \$11,000 per year. This includes the median on Hutchins Street north of Harney Lane, Lower Sacramento Road between Turner Road and Allen Drive, and Ham Lane between Kettleman Lane and Harney Lane. It also includes various islands and other small medians. An approximate average cost per mile for strip landscaping is \$5.730 for contracted maintenance. This does not include water, power, supervision and administration and City repairs to sprinklers and trees. For estimating purposes, the total cost is assumed to be \$8,000 per mile. (For landscaping on both sides of the street, the cost would be double.) There are roughly two miles of proposed right-of-way fence and a potential for an additional five miles if these were extended with future development.

Replacement costs for fences and landscaping are difficult to estimate. Certainly, over the long run, replacement of wood portions will be needed. Shrubby and irrigations systems will eventually need replacement. On an annual basis per mile, these replacement costs have been estimated at \$8,000/year for fences and \$2,000/year for landscaping. All these mileage and cost figures are summarized in Exhibit B. Our present annual cost (including replacement) of approximately \$30,000 per year could increase to as much as \$165,000 per year if all new right-of-way fences are landscaped similar to medians. The costs of median landscaping is also shown for comparison.

Alternatives

There are a myriad of ownership and maintenance alternatives for right-of-way fences and landscaping. The applicability and practicality of each is influenced by the presence of landscaping. The following briefly describes the main alternatives. In all cases except as noted, it is assumed the developer would pay for and construct the initial fence and/or landscaping as part of the subdivision improvements.

- 1) City ownership and maintenance - This is fairly straightforward and the alternative favored by developers. Maintenance standards would be set by the City, although, there would undoubtedly be pressure from adjacent residents to keep a high standard. Costs could be borne under a number of options:

- a) City cost - Costs for existing median maintenance are borne by the City's General Fund. While these could be borne by Gas Tax funds, this would reduce funding for typical street maintenance. In either case, the general taxpayer is paying for the maintenance.
 - b) Property assessment - Adjacent property owners, or others benefiting from the fence and landscaping, could be assessed under various State laws. The most practical would be the Landscaping and Lighting Act of 1972. A summary of the Act is provided in Exhibit C. This requires a fair amount of ongoing administrative work and has the subject of scrutiny by the State legislature. The legislature is concerned over perceived abuses and may change the Act to require annual mailings to each property owner and prohibit the Council from overriding majority protests. If this were to happen, the costs would fall under Option a).
 - c) Lump sum prepayment - The developer could be required to pay a lump sum toward future maintenance and/or replacement. The amount would depend on assumptions for interest, the number of years and estimated costs. Payment could be deferred until lots are sold or developed to ease the developer's cash flow. Exhibit D presents a set of figures for assumptions shown. Note that the lump sum figure increases only marginally as the term increases beyond fifty years.
- 2) Private ownership and maintenance - This alternative would require the developers to either place deed requirements on each reverse frontage lot, or establish a homeowners' association to collect homeowner fees and maintain the improvements. The developers generally do not favor forming an association unless it is key to the project such as in Parkview Terrace which has "common" facilities. Standards of maintenance would be determined by the property owners unless there were some type of agreement with the City providing for maintenance requirements.

In either case, City staff has been concerned about ongoing maintenance. Of the 2.4 miles of private fences, the maintenance has generally been good. However, these are fairly new and a notable exception is the wood fence on Ham Lane. In that case, the property Owners are requesting the City to pay approximately 85% of the cost of a new masonry fence.

RECOMMENDATION: The following draft policy statement is recommended for Council consideration. This is a general policy statement. Many details will need to be worked out once staff and the development community have some general direction.

D R A F T

Policy on Right-of-way Fences and Landscaping

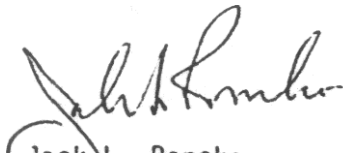
1. Where an approved development provides a fence with **landscaping** along the

2.

3.

the property owner.

FUNDING: To be **determined**.


Jack L. Ronsko
Public Works Director

Prepared by Richard C. Prima, Jr.. Assistant City Engineer

JLR/RCP/lm

Attachments

cc: City Attorney
Finance Director
Street Superintendent
Community Development Director
Planning **Commission**
Site Plan and Architectural Review Commission
Developers (those with site plans showing reverse frontage)



CITY OF LODI

PUBLIC WORKS DEPARTMENT

REVERSE FRONTAGE FENCES



	Landscaped Median	Wood or Grape Stake Fence	Block or Masonry Fence	Unspecified Fence	Landscaping along fence
# of miles					
Existing - Public	1.5	3.2	0	n/a	0
Existing - Private	0	0.6	1.8	n/a	2.2
Proposed	0	n/a	n/a	2.0	2.0 ?
Future Additions	3.8	n/a	n/a	5.0	5.0 ?
Approx. Annual Cost per mile					
Maintenance	\$8,000	\$1,250	\$1,250	n/a	\$8,000
Replacement	\$2,000 (50 years)	\$8,000 (25 years)	\$8,000 (50 years)	n/a n/a	\$2,000 (50 years)
Total Annual Costs					
Maintenance					
Existing - Public	\$12,000	\$4,000	n/a	n/a	n/a
Proposed	\$0	n/a	n/a	\$2,500	\$16,000
Future Additions	\$30,400	n/a	n/a	\$6,250	\$40,000
Total:	\$42,400	\$4,000	n/a	\$8.750	\$56,000
Replacement					
Existing - Public	\$3,000	\$25,600	n/a	n/a	n/a
Proposed	\$0	n/a	n/a	\$16,000	\$4,000
Future Additions	\$7.600	n/a	n/a	\$40,000	\$10,000
Total:	\$10,600	\$25,600	n/a	\$56,000	\$14,000
Grand Total:	\$53,000	\$29,600	n/a	\$64,750	\$70,000

Landscaping and Lighting Act of 1972

The Landscaping and Lighting Act of 1972 (Division 15, Part 2 of the Streets and Highways Code, beginning with Section 22500) authorizes local agencies to impose assessments on benefited property to finance the construction of various landscaping, lighting, park, recreational, and appurtenant improvements, and the maintenance and servicing of any of the foregoing (Section 22525). The Act provides for the creation of a district which can be divided into zones. Zones can be exempted from the district or assessed differently depending upon the type of service to be provided within each zone (Section 22574).

A report must be prepared and a public hearing held for each fiscal year for which assessments are to be levied. The report must include plans and specifications, an estimate of costs, a diagram of the district, and an assessment of the costs (Sections 22565-22574).

A copy of the Resolution of Intention must be published and mailed to each property owner a minimum of 10 days before the public hearing pertaining to formation of the district (Section 22553). Notice for subsequent-year hearings can be given by publishing (Section 22626).

The proceedings must be abandoned if a majority protest, by parcel area, is filed at the first-year public hearing, unless the protests are overruled by no less than a four-fifths vote of the legislative body (Section 22593). In subsequent years, an annual hearing must be held concerning the engineer's report as to the state and future of the improvements. However, the above provisions regarding abandonment and overruling do not apply to subsequent years.

The cost of park or recreational improvements can be raised by an assessment levied and collected in installments over a period not to exceed 30 years, and the cost of all other allowable improvements can be spread over a period not to exceed five years (Section 22660). The issuance of 1915 Act bonds is authorized to finance park or recreational improvements (Section 22662.5).

There is no set term for the life of the district, and it exists until the legislative body acts to dissolve it (Section 22610).

Maintenance Costs
Right-of-way Fences & Landscaping
Lump Sum Prepayment

interest (Discount) Rate: **2%**

			Lump Sum (present value)			
			Number of years			
Cost per mile			25	50	75	100
Fence Maintenance	\$1,250	annual	\$24,404	\$39,280	\$43,346	\$53.873
Landscape Maintenance	\$8,000	annual	\$156,188	\$251,389	\$309,417	\$344,787
Fence Replacement	\$200,000	L.S.	\$121,906	\$74,306	\$45,292	\$27.607
Landscape Replacement	\$100,000	L.S.	\$60.953	\$37,153	\$22,646	\$13.803

CITY COUNCIL

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March 9, 1992

THOMAS A. PETERSON
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BOB McNATT
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Bangs Ranch, Ltd. Gen. Ptnrshp.
Attn: J. J. Kirst, KCF Real Estate
Post Office Box 1259
Woodbridge, CA 95258

SUBJECT: Policy on Ownership and Maintenance of ~~New Right-of-Way~~ Fences
and Landscaping at Reverse Frontage Lots

Enclosed is a copy of background information on an item that ~~will~~ be
discussed at the City Council meeting on Wednesday, April 15, 1992, at
7:30 p.m. The meeting will be held in the City Council Chamber,
Carnegie Forum, 305 West Pine Street. You are ~~welcome~~ to attend.

If you wish to ~~communicate~~ with the City Council, please contact
Alice Reimche, City Clerk. at (209) 333-6702.

If you have any questions about the item. please call Richard ~~Prima~~ or me
at (209) 333-6700.


Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk

&Name
&Attn
&Add
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Hawaii & San Francisco Development
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Emeryville, CA 94608

Mr. Ron Thomas
Thomas Development
1209 W. Tokay St., Ste. 6
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Mr. Russ Munson, et al.
1530 Edgewood Dr.
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Mr. John Verner. et a
2707 E. Fremont St., Ste. 5
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